

Carlos Hernández
Mayor

Luis Gonzalez
Council President

Katharine E. Cue-Fuente
Council Vice President



Council Members
Jose F. Caragol
Vivian Casáls-Muñoz
Isis Garcia-Martinez
Paul B. Hernández
Lourdes Lozano

City Council Agenda November 24, 2015 7:00 P.M.

Call to Order

Roll Call

Invocation given by Marbelys Fatjo, City Clerk

Pledge of Allegiance led by Council Vice President Katharine Cue-Fuente

Meeting Guidelines

The following guidelines have been established by the City Council:

➤ **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**

- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

Presentations –

1. Announcement of Amendments/Corrections to the Agenda –
2. Consent Agenda-

All items listed with letter designations are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember, the Mayor or a resident so requests, in which case the item will be removed from the consent agenda and considered along with the regular order of business.

- A. Request permission to approve the Summary Agenda/Minutes of the City of Hialeah Council Meeting held on November 10, 2015 (OFFICE OF THE CITY CLERK)
- B. Proposed resolution ratifying and approving Supplemental Appropriations to the Annual Budget for Fiscal Year 2014-2015, revising the budget to Supplement Revenues within the ECS General Fund, Parks & Recreation General Fund, Law Enforcement Trust Fund-State, Parks Grant & Impact Fee Fund, Children's Trust Fund, Police Grant Fund, S.H.I.P. Fund, Children's Trust Step Ahead Grant Fund, and ECS & Library Grants Fund with balanced expenditures, in the amounts listed in Exhibit "1A". (OFFICE OF MANAGEMENT BUDGET)
- C. Proposed resolution authorizing the transfer of unencumbered appropriation balance or a portion thereof between classifications of expenditures within an office or department within the General Fund; within the Special Revenue Funds, in particular, Street Transportation Fund, CDBG Fund, Fire Rescue Fund, Home Investment Partnership Program Fund, Children's Trust Grant Fund, Affordable Housing Fund, 21st Century Academic Achievers Grant Fund, ECS & Library Grants Fund, Building Fund, and within Enterprise Funds, in particular, Public Works Fund-Solid Waste, and Stormwater Fund as summarized and itemized in the schedule attached as Exhibit "1B" and made a part hereof. (OFFICE OF MANAGEMENT BUDGET)
- D. Report of Scrivener's Error – Item VVV of the City Council Meeting held on October 13, 2015 was approved with the incorrect expenditure amount. The item has been amended to reflect that the amount of the expenditure changed from \$127,200 to \$128,760. (POLICE DEPT.)
- E. Request permission to issue a purchase order to Municipal Emergency Services, Inc., sole source vendor, for providing Target Solutions, an educational training website for Fire Fighters/Paramedics, in a total cumulative amount not to exceed \$19,325. (FIRE DEPT.)
- F. Report of Scrivener's Error – Item I of the City Council Meeting held on November 10, 2015 was approved with the incorrect vendor. The item has been amended to reflect that the vendor has changed from Autonation, Inc. to Stingray Chevrolet, LLC. (POLICE DEPT)
- G. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Sun Belt Hydraulics & Equipment Inc. d/b/a Sunbelt Waste Equipment, to purchase recycle City truck parts, in a total cumulative amount not to exceed \$40,000. (FLEET MAINTENANCE DEPT.)
- H. Request permission to utilize City of Miami Contract No. 15/17-07-0220 –*Tires and Related Service*, a competitively bid governmental contract, and issue a purchase order to U.S. Venture of Wisconsin, Inc., to purchase tires for City vehicles, in a total cumulative amount not to exceed \$55,000. (FLEET MAINTENANCE DEPT.)
- I. Request permission to utilize City of Miami Contract No. 15/17-07-0220 –*Tires and Related Service*, a competitively bid governmental contract, and issue a purchase order to Wingfoot Commercial Tire Systems, LLC, to purchase new vehicle tires for City vehicles, in a total cumulative amount not to exceed \$200,000. (FLEET MAINTENANCE DEPT.)

- J. Request permission to waive competitive bidding, since it is advantageous to the City, and increase purchase order # 2016-66, issued to Distreebutors, Inc, for landscaping services for fiscal year 2015-2016, by an additional amount of \$15,000, for a new total cumulative amount not to exceed \$63,000. (STREET DEPT.)
- K. Proposed resolution approving and ratifying the renewal of the Turf and Landscape Maintenance Joint Participation Agreement with the State of Florida, Department of Transportation, for the maintenance of turf and landscape on designated state roads within the corporate limits of the City of Hialeah, for a term of one year, commencing on December 22, 2015 and ending on December 20, 2016, in an amount not to exceed \$142,867.53, a copy of the original agreement is attached hereto as Exhibit "1". (STREETS DEPT.)
- L. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Rainbow Window Tinting Inc, to outfit ten (10) Chevrolet Impalas recently purchased by the Hialeah Police Department with the necessary police emergency equipment and accessories such as lights, sirens and microphones, for a cost of \$6,615.76 per vehicle, in a total cumulative amount not to exceed \$66,157.60. (POLICE DEPT.)
- M. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Horizon Contractors, Inc., vendor providing the lowest estimate, for sidewalk restoration at West 4th Avenue to 5th Avenue from West 29th Street to West 32nd Place, in a total cumulative amount not to exceed \$20,720.70. (STREETS DEPT.)
- N. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to H & R Paving, Inc., to purchase asphalt material free on board plant at \$72.00 per ton and paver rental at \$950.00 per day, in a total cumulative amount not to exceed \$760,000. (STREETS DEPT.)
- O. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Horizon Contractors, Inc., vendor providing the lowest estimate, for sidewalk restoration at West 4th Avenue to 6th Avenue from West 45th Street to West 46th Place, in a total cumulative amount not to exceed \$20,056.85. (STREETS DEPT.)
- P. Proposed resolution amending the Operating Budget to increase certain Line Item Expenses in Fiscal Year 2015-2016 for commitments that were made in Fiscal Year 2014-2015, which were not concluded in that budget year, to pay for such encumbrances in Fiscal Year 2015-2016 and providing funding for same. (OFFICE MANAGEMENT & BUDGET)
- Q. Request permission to utilize Miami Dade County Contract #20120032, since it is advantageous to the City in that this vendor has agreed to extend their lowest unit prices on the awarded bid, and issue a purchase order to Williams Paving Co., Inc., for roadway and drainage improvements to West 24th Avenue from West 68th Street to West 76th Street, in a total cumulative amount not to exceed \$1,803,095.07. (STREETS DEPT.)
- R. Request permission to utilize Miami Dade County Contract #20120032, since it is advantageous to the City in that this vendor has agreed to extend their lowest unit prices on the awarded bid, and issue a purchase order to Williams Paving Co., Inc., for roadway and

drainage improvements on West 76th Street from West 24th Avenue to West 28th Avenue, in a total cumulative amount not to exceed \$1,280,089.15 (STREETS DEPT.)

- S. Request permission to utilize Florida Sheriffs Association & Florida Association of Counties – Full Size 4-Door Administrative Vehicles Specification #12, 2016 Chevrolet Impala Limited (1WF19) Contract #15-23-0904, and issue a purchase order to AN Motors of Pembroke, LLC, to purchase eight (8) Chevrolet Impalas Limited, in a total cumulative amount not to exceed \$145,096. (FLEET MAINTENANCE DEPT.)
3. First reading of proposed ordinance amending Chapter 98 entitled “Zoning”, Article V. Zoning District Regulations, Division 33. NBD Neighborhood Business District of the Code of Ordinances of the City of Hialeah, and in particular amending Hialeah Code § 98-1627 adding the Industrial Land Use Classification as part of the criteria; amending Hialeah Code § 98-1628 to include the definition of Work/Live Unit; amending Hialeah Code § 98-1630.1 to include Work/Live Units as a permitted use; amending Hialeah Code § 98-1630.2 to include Professional Uses as a permitted use on the Ground Level of a Mixed-Use Building; amending § 98-1630.8 to allow the expansion of NBD Overlay District Regulations to properties abutting a frontage road along expressways and highways in the City and properties having an Industrial Land Use Classification; further amending Article VI. Supplementary District Regulations, Division 10 Parking, and in particular, revising Hialeah Code § 98-2189 entitled “Minimum Required Off-Street Parking Spaces” to include Parking Requirements for Work/Live Units within the NBD Neighborhood Business District; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; providing for inclusion in the code; providing for an effective date. (ADMINISTRATION)

Item was approved by the Planning and Zoning Board on November 18, 2015.

4. First reading of proposed ordinance amending Chapter 98 entitled “Zoning”, Article V. Zoning District Regulations, Division 35. Alwod Artist Live/Work Overlay District of the Code of Ordinances of the City of Hialeah, and in particular, adding a new Section 98-1630.22 entitled “Alcoholic Beverage Regulations”, creating an exemption for establishments selling, serving or permitting consumption on the premises of alcoholic beverages from the distance separation requirements; allowing the sale of alcoholic beverages from 8:00 a.m. to 3:00 a.m.; requiring a Conditional Use Permit and providing for Conditional Use Permit Application Requirements and Standards of Review; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; providing for inclusion in the code; providing for an effective date. (ADMINISTRATION)

Item was approved by the Planning and Zoning Board on November 18, 2015.

5. First reading of proposed ordinance approving the Development Agreement by and among Alberto Micha, as Trustee of Hialeah Gardens Irrevocable Trust dated December 6, 2010, and the City of Hialeah, Florida, a copy of which in substantial form is attached hereto and made a part hereof as Exhibit “1”. **Property comprising approximately 77.25 acres within an area bounded on the west by NW 102 Avenue, on the north by theoretical NW 142 Street, on the east by NW 97 Avenue, and on the south by NW 138 Street / State Road 924; all located in Hialeah, Florida. Property having a land use classification of Mixed-Use**

Commercial and to be developed within the parameters of the Hialeah Heights - Commercial Zoning District. Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (ADMINISTRATION)

Item was approved by the Planning and Zoning Board on November 18, 2015.

6. First reading of proposed ordinance approving the Development Agreement by and among Atlas Hialeah Heights, LLC, a Florida Limited Liability Company, and the City of Hialeah, Florida, a copy of which in substantial form is attached hereto and made a part hereof as Exhibit "1". **Property comprising approximately 135.3 acres within an area bounded on the west by NW 97 Avenue, on the north by NW 170 Street, on the east by Interstate 75 / State Road 93, and on the south by theoretical NW 162 Street; all located in Hialeah, Florida. Property having a land use classification of Low-Medium Density Residential and to be developed within the parameters of the Residential Development District (RDD) Zoning District.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (ADMINISTRATION)

Item was approved by the Planning and Zoning Board on November 18, 2015.

7. Board Appointments –

- a. Re-appointment by Councilman Caragol of Carolina F. Naveiras to the Cultural Affairs Council for a two year term commencing on November 27, 2015 and ending on November 27, 2017. (COUNCILMAN CARAGOL)
- b. Re-appointment by Council Vice President Cue-Fuente of Katherine Rey to the Cultural Affairs Council for a two year term commencing on November 16, 2015 and ending on November 16, 2017. (COUNCIL VICE PRESIDENT CUE-FUENTE)
- c. Re-appointment by Council Vice President Cue-Fuente of Efrain Santiago to the Veterans' Affairs Board for a two year term commencing on November 16, 2015 and ending on November 16, 2017. (COUNCIL VICE PRESIDENT CUE-FUENTE)
- d. Proposed resolution reappointing Jonathan Martinez to the Board of Trustees of the Employees Retirement System as the Management Appointment, for a two (2)-year term ending on December 31, 2017. (MANAGEMENT)

8. Unfinished Business –

9. New Business –

10. Comments and Questions –

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision item.

Attention Applicants: Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

ZONING

- PZ 1. Second reading and public hearing of proposed ordinance rezoning property from R-1 (One Family District) to R-3-3 (Multiple Family District). **Property located at 382 West 38 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Alejandro Vilarello, P.A.*)

<i>Item was approved by the City Council on first reading on November 10, 2015</i>
<i>Item was approved by the Planning and Zoning Board on October 28, 2015.</i>
<i>Registered Lobbyist: Alejandro Vilarello</i>

- PZ 2. Second reading and public hearing of proposed ordinance granting a Variance Permit to allow 17 parking spaces, consisting of 13 off-street parking spaces and 4 on-street parking spaces, where a total of 20 parking spaces are required, contra to Hialeah Code § 98-2189 (7). **Property located at 802 East 25 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Bank United NA*)

<i>Item was approved by the City Council on first reading on November 10, 2015</i>
<i>Item was approved by the Planning and Zoning Board on October 28, 2015.</i>
<i>Registered Lobbyist: Angel C. Saqui</i>

- PZ 3. First reading of proposed ordinance granting a Variance Permit to allow a Temporary Waiver of Plat pursuant to Hialeah Land Development Code §10-4(c), provided that the property will be re-platted within eighteen (18) months; granting a Variance Permit to allow 62 parking spaces, consisting of 59 off-street parking spaces and 3 on-street parking spaces, where a total of 80 parking spaces are required; to allow a pervious area of 14.6%, where a minimum of 20% is required; to allow a rear setback of 4 feet, where 15 feet are required; and to allow a west side setback of 4 feet, where 10 feet are required, contra to Hialeah Code §§ 98-2189 (7), 98-2189(16)(a), 98-1630.3(e)(1), 98-1630.3(e)(2), and City of Hialeah Landscape Manual (July 9, 2015) Section (e) Table A. **Property located at 710 East 9 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Michael Osman, Esq.*)

<i>Item was postponed during the City Council Meeting of October 27, 2015 until November 24, 2015 per the request of the applicant's representative, Michael Osman, Esq.</i>

Item was approved by the Planning and Zoning Board on October 14, 2015.

- PZ 4. First reading of proposed ordinance granting a Variance Permit to allow a rear setback of 10.7 feet, where 15 feet are required, contra to Hialeah Code § 98-1071. **Property located at 445 East 25 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Melissa Tapanes Llahues on behalf of Leon Medical Centers, Inc.*)

Item was approved by the Planning and Zoning Board on November 18, 2015.

- PZ 5. First reading of proposed ordinance granting a Variance Permit to allow a side setback of 1.40 feet, where 5.1 feet are required, contra to Hialeah Code § 98-1372. **Property located at 4798 East 10 Lane, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Rogelio De La Rosa & Aurora*)

Item was approved by the Planning and Zoning Board on November 18, 2015.

Registered Lobbyists: Anthony Escarra and Alejandro Vilarello

- PZ 6. First reading of proposed ordinance rezoning property from M-1 (Industrial District) to R-3-5 (Multiple Family District). **Property located at 295 West 79 Place, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Alejandro Vilarello, P.A.*)

Item was approved by the Planning and Zoning Board on November 18, 2015.

- PZ 7. First reading of proposed ordinance granting a Variance Permit to allow a total of 35 parking spaces, where 52 parking spaces are required, to waive a portion of the Landscape Manual requiring a seven foot landscaped area between the off-street parking and the right-of-way, and to allow the landscaped area of 8.8%, where a minimum of 18% is required, to allow a front setback of 19.5 feet, where 20 feet are required, to allow a corner side setback of 0 feet, where 10 feet are required, contra to Hialeah Code §§98-2189(7), 98-2233, and 98-2088(b). **Property located at 3368 Palm Avenue, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: 3368 Palm Avenue LLC*)

Item was approved by the Planning and Zoning Board on November 18, 2015.

- PZ 8. First reading of proposed ordinance granting a Variance Permit to allow a total of 83 parking spaces, where 86 parking spaces are required, consisting of 22 off-street parking spaces, of which 17 parking spaces back out into the street, where back out parking is only allowed in low density residential districts, and 61 off-site parking spaces, of which 44 parking spaces are on-street, and to waive a portion of the Landscape Manual contra to Hialeah Code §§ 98-2189(5), 98-2190, and 98-2233. **Property located at 7345 West 19 Court, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for

violation hereof; providing for a severability clause; and providing for an effective date.
(Applicant: *Ceasar Mestre*)

Item was approved by the Planning and Zoning Board on November 18, 2015.

- PZ 9. First reading of proposed ordinance granting a Conditional Use Permit (CUP) to allow a College Educational Facility pursuant to Hialeah Code §98-181(2)i on property zoned C-2 (Liberal Retail Commercial District). **Property located at 530 West 49 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant: *Palm Springs Mile Associates, LTD*)

Item was approved by the Planning and Zoning Board on November 18, 2015.

FINAL DECISIONS

- FD 1. Proposed resolution approving the final decision of the Planning and Zoning Board, Decision No. 15-06 that granted an adjustment on condition that the existing exterior side door in the family room be replaced by double french doors, on property located at **201 East 44 Street, Hialeah, Florida;** and providing for an effective date. (Applicant: *Zunilda M. Cartaya Alvarez*)

Item was approved by the Planning and Zoning Board on October 28, 2015.

- FD 2. Proposed resolution approving the final decision of the Planning and Zoning Board, Decision No. 15-07 that granted an adjustment on condition that the terrace remains an open terrace on all three sides on property located at **4215 West 5 Lane, Hialeah, Florida;** and providing for an effective date. (Applicants: *Jorge L. Estevez & Barbara Estevez*)

NEXT CITY COUNCIL MEETING: Tuesday, December 8, 2015 at 7:00 P.M.

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you

may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).